

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

EVAN ALLEN BESTON,

Defendant.

CR 07-73-GF-BMM

ORDER

This case was referred to United States Magistrate Judge Keith Strong for a revocation hearing and findings and recommendations. Judge Strong entered his findings and recommendations on May 1, 2014. Defendant admitted he had violated Special Condition 5 of his supervised release by consuming alcohol. Judge Strong found the admission sufficient to establish the supervised release violation. He recommended that this Court revoke Defendant's supervised release and commit him to the custody of the United States Bureau of Prisons for a term of imprisonment of 10 months, with 40 months of supervised release to follow.

No objections were filed by either party. Judge Strong's findings and recommendations are therefore reviewed for clear error. *McDonnell Douglas Corp. Commodore Bus. Mach, Inc.*, 656 F.2d 1309, 1319 (9th Cir. 1981).

This Court agrees with Judge Strong's findings. Defendant could be

imprisoned for up 36 months, followed by 50 months of supervised release, less any custodial time imposed. The United States Sentencing Guidelines call for a term of imprisonment of 4 to 10 months. A sentence of 10 months in custody is appropriate because Defendant has previously violated the terms of his supervised release by consuming alcohol. A lengthy period of supervision is reasonable as it will provide Defendant the support and structure needed to address his alcohol abuse problem.

IT IS ORDERED that Judge Strong's Findings and Recommendations (Doc. 49) are ADOPTED in full and Judgment shall be entered accordingly.

DATED this 21st day of May, 2014.



Brian Morris
United States District Court Judge